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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/060,044 | 01/28/2002 | David B. Sutton | 6778-000001/COB | 6585 |

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EXAMINER

POINVIL, FRANTZY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3628

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,044

Applicant(s)

SUTTON ET AL.

Examiner

Frantzy Poinvil

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19, 21-30 and 32-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19, 21-30 and 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 15-19, 21-30 and 32-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-19, 21-30 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al. (US Patent No. 6,502,745) in view of Risafi et al (US Patent No. (6,473,500)

As per claims 15 and 17, Stimson et al. disclose a system and method of distributing an electronic cash card (see the abstract) comprising the steps of:

providing an unfunded cash card to a retail outlet from a purchase intermediary (which is a clerk at a point-of-sales);

associating the cash card with data in a data file by executing a software-implemented application on a computer device prior to the purchase of the cash card, wherein the data file indicates that the card has not been funded (column 5, lines 13-42 and column 6, lines 5-19);

funding the cash card at the retail outlet via a purchase of the cash card by a purchaser for a purchase price but without selection of an identifier of the purchaser by the purchaser of the cash card (column 6, line 42 to column 6, lines 42-64 and column 8, lines 5-25);

updating the data file by executing a software-implemented application on a computing device with a value for the cash card substantially contemporaneously with funding of the cash card at the retail outlet (column 6, lines 5-41).

Stimson et al also teach submitting the variable amount or value to the retail outlet. (column 7, lines 10-43).

Remitting a fee or a commission to the retail outlet after the cash card has been funded or after activation of the cash card is not explicitly taught by Stimson et al.

Risafi et al disclose as system and method for selling and using a prepaid card. See the abstract. Risafi et al further teach remitting a fee to the retail outlet after a cash card has been funded. See column 10, lines 32 to 67. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Risafi et al into the system and method of Stimson et al in order to compensate a retail outlet selling the cash card.

As per claim 16, Stimson et al disclose the step of activating the cash card by registration with the purchase intermediary or the retail outlet (column 6, lines 42-64).

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As per claim 18, Risafi et al disclose comprising providing the cash card to the retail outlet via a distributor of goods to the retail outlet other than the cash card (column 3, line 52 to column 4, line 16).

As per claim 19, Risafi et al disclose the step of selling the card to the retail outlet for an amount less than the predetermined value of the card (column 11, line 58 to column 12, line 52).

As per claim 21, both Stimson et al and Risafi et al disclose the step of providing an unfunded cash card further comprises ordering the cash card from a credit card provider. See column 7, lines 2-42 of Stimson et al. and figures 4, and 5a and 5b of Risafi et al.

As per claim 22, Risafi et al disclose the credit card provider associates the cash card with data in a data file. See figures 4 and 5a and 5b.

As per claim 23, the step of manufacturing the cash card with a cash card carrier for supporting the cash card would have been obvious to one of ordinary skill in the art as manufacturers of cash cards or phone cards usually manufacture these types of cards to resell for profit.

As per claim 24, the method of claim 23 further comprises the step of providing at least one of advertisement and coupons on the cash card. See column 17, line 65 to column 18, line 3 and column 8, lines 15-21 of Risafi et al.

As per claim 25, both Stimson et al and Risafi et al disclose the steps of: activating the cash card over a network by registering the purchased cash card with the purchase intermediary. Risafi et al further teach providing at least one of advertisement and coupons over the network for presentation to the purchaser. See column 17, line 65 to column 18, line 3 and column 8, lines 15-21; and column 8, lines 53-67 of Risafi et al.

Claims 26-30 and 32-35 contain similar limitations addressed in claims 15-19 and 21-25, and therefore are rejected under a similar rationale.

As per claim 36, both Stimson et al and Risafi et al teach activating the cash card over a network by registering the purchased cash card with the purchase intermediary subsequent to the purchase of the cash card and prior to transacting a purchase with the card. See both references.

As per claim 37, most cards include phone numbers of and customer service as contact information being provided on the cash card.

Claim 38 contains limitations addressed in claims 26-30 and 32-37 and therefore is rejected under a similar rationale.

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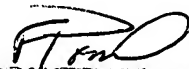
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
July 15, 2005


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628